

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Universal Am-Can, Ltd.

v.

Civil No. 11-cv-30-LM

Concrete Systems, Inc.

NOTICE OF RULING

Re: Document No. 74, Motion for Attorneys Fees

Ruling: The court is familiar with the attorneys in this case and the disclosure that necessitated Mr. Falco's deposition on the eve of trial. Using the lodestar method to calculate reasonable fees, the court finds the number of hours expended by plaintiffs' counsel to be reasonable. The court does not have enough information to perform the second part of the lodestar analysis: the calculation of a reasonable hourly rate. To do that, the court would need additional information supporting the hourly rates of Attorneys Tierney, Scheer, and "JGM." At a minimum, the court needs both to know the attorneys' years of experience and a means to determine that the particular attorney's hourly rate is the rate "'prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.'" Martinez-Vélez v. Rey-Hernández, 506 F.3d 32, 47 (1st Cir. 2007) (quoting Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984)). As the plaintiff bears the burden of proof on this issue, Burke v. McDonald, 572 F.3d 51, 63 (1st Cir. 2009), the court orders the plaintiff to file supporting documentation on or before August 21, 2012. Defendant shall have until August 27, 2012, to file any response thereto. As it appears likely that plaintiff will be able to meet its burden, the court encourages the parties to make every attempt to reach a prompt resolution on this motion without further court intervention.



Landya McCafferty
United States Magistrate Judge

Date: August 7, 2012

cc: Matthew R. Johnson, Esq.
Brian R. Moushegian, Esq.
Marc R. Scheer, Esq.
Michael J. Tierney, Esq.